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Editor's Desk



*Madan Lokur, Judge,
High Court of Delhi, India*

The 15th Commonwealth Law Association Conference in Kenya has given us food for thought on a variety of seminal issues, many of which could have a long-term impact on justice delivery. We need to seriously discuss them, including the problems faced by the judiciary all across the Commonwealth; we need to harness our resources to arrive at meaningful solutions and finally we need to ensure implementation of the ideas generated.

The justice delivery system has four key genres of stakeholders: litigants, lawyers, judges and court administrators. For any justice delivery system to function efficiently, it is necessary to cater to the requirements of each stakeholder. Even if one genre is dissatisfied, it would reflect poorly on the efficacy

and utility of the entire system. How do we go about determining the satisfaction quotient of each genre? Is performance level a good criterion or is active participation by all stakeholders a better criterion? We need to debate this.

But there is no disagreement about one issue – and the Conference recognized and highlighted it – and that is the urgent need for reform. This was tellingly and pithily summed up by Honourable Mr. Justice J.E. Gicheru, E.G.H., Chief Justice of the Republic of Kenya and that is why we have thought it appropriate to reproduce the entire closing address of the Honourable Chief Justice.

How do we go about bringing reforms in justice delivery? One way, as suggested by the Honourable Chief Justice, is for each one of us to remain in constant touch with others in the family so that by sharing our knowledge and experiences, we can contribute, if not substantially, then at least in our own little way to improve the justice delivery system in our own countries. This is how best practices evolve –not over a day or a week, but over months; and not over one conference but through several seminars and colloquia. The foremost purpose of such exercises is to bring about innovations and foster new techniques in the dispen-

sation of justice while improving court management and case disposal efficiency, without compromising the quality and responsiveness of justice. If we keep this objective in mind, we can bring about reforms and achieve sustainable development in effective justice delivery.

For its part, the CJJI is making a significant contribution to judicial reform by bringing us all together for the purpose of imparting high quality judicial education. By the time readers receive this Report, the CJJI would have started its 15th Annual Intensive Study Programme for Judicial Educators. As one would imagine (from past experience) the ISP is expected to be a huge success and the outcomes of the Programme will be shared with all our readers in the next edition of this Report.

CJJI is grateful for the tremendous support that it has received over the years from all our readers and its expanding family. The Editor wishes you all the best for the coming months and encourages that each one of us remain in touch and continue to contribute articles, news and views and promote the CJJI Report as a forum for sharing ideas and experiences between Commonwealth Jurisdictions.

Message from the President: The Honourable Chief Justice Sir Dennis Byron



This edition of the CJEI report focuses primarily on judicial reform in Kenya. Recent events in the aftermath of the election violence give cause for concern about the Rule of Law. However, judicial reform has been on the agenda of the leadership of the judicial system in Kenya for some time. During the 15th Commonwealth Law conference held in Nairobi in 2007 the CJEI held its usual meeting of the Patron Chief Justices. Many commonwealth countries have been facing challenges to “Judicial Independence”. The patron's meeting afforded a forum for in depth discussions on special issues faced by many countries. Special mention could be made of the presentation by Lord Griffiths, the chief Justice of England who gave the keynote address on “Judicial Independence” which is available on the website.

The Honourable Chief Justice Johnson Evans Gicheru of Kenya chaired the Patron's meeting. He led the discussions on several specific instances of executive challenges to “Judicial Independence” in the Commonwealth and the responses of the Judiciary and civil society. The results of the discussions were unremarkable as it was unanimously concluded that the “Judicial Independence” was essential to the achieving impartial, competent, efficient and effective justice delivery and a well functioning democracy. It was recognized that an important tool in attaining “Judicial Independence” was continuing judicial education. The Chief Justices present all stressed the need to dedicate resources to continuing judicial education and reform and pledged continued support to the programs of the CJEI.

The inspiration for this edition of our journal, however, came from the address of the Hon. Chief Justice of Kenya who spoke at great lengths on the judicial reform and education programs that had been initiated and were being delivered in the Kenya. We hope that our material will prove informative and develop confidence in the judiciary of Kenya.

The CJEI is dedicated to improving “Judicial Independence” and encouraging cross-border discussions on issues which are important for a strong Judiciary. We invite you to use the Gateway Program an online resource-sharing forum for international Judicial Education Institutes.

Finally, I welcome participants to the 2008 Intensive Study Programme for Judicial Educators whose arrival in Halifax will coincide with the issue of this edition of the Journal. I trust that you will enjoy the three-week program and that on your return your respective judiciaries will benefit from your learning.

Sir Dennis Byron

Message from the Chair: The Honourable Sandra E. Oxner

I have just returned from Pakistan where I had the honour of calling upon the deposed Chief Justice of Pakistan Iftikhar Muhammad Chaudhry. It was a pleasure to be in the presence of a man of such integrity and judicial valor. He is a true inspiration to us all.

You may recollect that in November of last year the Supreme Court of Pakistan declared unconstitutional President Pervez Musharraf's plan to create an emergency regime. He required the judges to take an oath of allegiance to it. Forty Supreme Court and High Court Judges refused to take this oath, which they deemed unconstitutional. For this they were deposed, placed under house arrest and had their salaries and benefits cut off. New judges were sworn in to take their place.

The role of the Pakistan Bar in inspiring the people of Pakistan to stand up for the Rule of Law and an independent judiciary has been nothing short of outstanding—a true example of the fact that the strength of the judiciary lies within the community they serve.

While the two minority parties that make up the present government of Pakistan, the Pakistan People's Party and the Pakistan Muslim League, have both signed the Murree Declaration promising to restore the Rule of Law and the deposed judges, one party has since reneged.

As this report goes to press judges are to be restored only when Parliament passes a constitutional amendment package which is being put forward. This amendment package appears to seek to constitutionally entrench provisions which interfere with judicial independence.

To demonstrate against such constitutional changes the Bar has organized a “Long Match” on June 10th at which they plan to immobilize a million people to show the aversion of the people of Pakistan, to this continued interference with judicial independence.

When my rather taciturn taxi driver drove me to the home of Chief Justice Iftikhar Muhammad Chaudhry he said to me, “I am proud to be here. He is a good man, without him we have no justice”.



Sandra E. Oxner



SPOTLIGHT ON KENYA

2007 Was a year of review and reform for the Kenyan Judiciary. Kenya hosted the 15th Commonwealth Law Association Conference and the Patron Chief Justice Meeting in September 2007. Additionally the Kenyan Judiciary launched the Judicial Performance Improvement Project later in December 2007.

Excerpt from Honourable Mr. Justice J.E. Gicheru, E.G.H., Chief Justice of the Republic of Kenya's Closing Speech at the 15th Commonwealth Law Association Conference



The Conference, that of which theme was Governance, Globalization and the Commonwealth, has provided a platform for discussion and adoption of improvements in our laws to ensure good governance and sustainable development in accordance with the Rule of Law.

Law is recognized as society's architecture for achieving our common purposes and common aspirations, including sustainable development.

Although the society has other governance mechanisms, law is central. As Philip Allott has observed: *"What the law does is to allow a society to choose its future. Law is made in the past, to be applied in the present, in order to make society take a particular form in the future. Law carries society's idea of its own future from the past into the future...For those who suffer, in body or in spirit, from the imperfection of the human world as it is, the best way to make a better world is the way of law"*

This conference is an endeavour to tread the path of the law by developing various devices to assist us in achieving our desired goals of good governance and sustainable development. The conference covered a wide range of topics under broad rubrics of Constitutionalism, Human Rights, Governance and the Rule of Law, Corporate and Commercial Law, the Legal Profession, Law in a Globalised Economy and Contemporary Legal topics. I have no doubt that great learning has been imparted upon all who participated in the various sessions of the conference. Many legal improvements and view-points have been canvassed and I am certain that the

commonwealth lawyers are now richer in their knowledge of law and its application than when the conference began.

This conference has provided opportunity for all of us to share experiences on the administration of law and justice from our respective jurisdictions, and to jointly develop suitable responses to the emerging legal challenges of modern life. Such legal improvements emanating from the presentations and discussions at the conference should be for the general application in the Commonwealth so that the measures of justice all over the Commonwealth should be equal and similar. For this purpose, I trust that the conference organizers shall make available all the materials presented at the conference in a comprehensive docket for the benefit of the participants and those who were for varied reasons unable to attend.

If any justification were needed for using the Rule of Law to promote good governance and development, the same would be found in the article by Durwood Zaelke et al. at p. 47 of the book *Making Law Work* in these words: *"Without the Rule of Law and compliance to promote social stability and legal certainty, firms are less willing to make the investments and assume the risk that forms the basis for market economy development. Furthermore, lack of compliance with the rule of law encourages high rates of corruption, with further devastating consequences on the confidence of economic actors. This lack of investment, in turn, can slow economic growth and deprive governments of resources needed to invest in education, social safety nets, and sound environmental management all of which are critical for sustainable development."*

In a decision of the English Court of Appeal in a case involving the colonial government of Kenya and a private company, *Nyali Limited versus Attorney General [1957] 1 All E.R. 646*, the

Spotlight on Kenya...continued

famous English judge, Lord Denning, considered the application of English Common Law in foreign lands and said: *"It is a recognition that the common law cannot be applied in a foreign land without considerable qualification. Just as the English Oak, so with the English common law. You cannot transplant it to the African Continent and expect it to retain the tough character which it has in England. It will flourish indeed, but it needs careful tending. So with the common law. It has many principles of manifest justice and good sense which can be applied with advantage to peoples of every race and colour all the world over: but it has also many refinements, subtleties and technicalities which are not suited to other folk. These off-shoots must be cut away. In such far-off lands the people must have a law which they understand and which they will respect. The common law cannot fulfill this role except with considerable qualifications."*

Most of the Jurisdictions represented at this conference have common legal heritage from England, and even though they may have laws with local qualifications to meet the expectations and aspirations of their respective peoples, the general principles of such laws are derived from the English Law.

It is therefore opportune for the legal profession from the Commonwealth countries to continually meet and refine the principles of law which are the basis of their respective national legal systems and ensure that the benefits of legal developments in certain parts of the Commonwealth are disseminated all over the Commonwealth. Indeed, in this modern era of globalization, we are all able to take advantage of the refinements of the law in other jurisdictions and to format our own law reform according to these models.

As it is with the Commonwealth (Latimer House) Principles on the Accountability and the Relationship Between the Three Arms of Government the outcome of this conference can be developed into legal guidelines on the entrenchment of constitutionalism and good governance for the adoption and use by all our Commonwealth states as ascertainable measures of social development. These standards would allow for the taking into account of the varied traditions and cultures of the different Commonwealth

countries.

It is noteworthy that the Plan of Action for Africa for the implementation of the Commonwealth (Latimer House) Principles was adopted at a conference organized by the Commonwealth Secretariat and hosted by the Government of Kenya in April, 2005. Kenya would of course be very proud to originate the development of such important guidelines/principles for the entrenchment of constitutionalism and good governance in the Commonwealth.

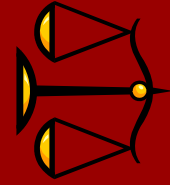
But the question remains as to how to bring all this great learning to bear on the problems that continually afflict our societies. Some of these problems which were highlighted in the

presentations at this conference are bad governance, poverty, human rights, HIV/Aids, terrorism, equality, access to justice and sustainable development. As we go back to our respective countries, I would urge that we undertake deliberate action to implement the principles that have emerged from this conference. Everyone in the legal profession has a role to play in the implementation of these principles for the development of

law in our Commonwealth. The advocates have must advise and represent their clients faithfully in accordance with the law while offering pro bono to the needy. They must also seek the promulgation by Parliament of suitable laws in response to the emerging challenges. The independent media would be a useful tool in disseminating the relevant information and in building up of sufficient public interest in the matter as to influence policy positively.

The Judiciary for its part must interpret the laws in constructively creative ways to accommodate the novel situations brought about by our constantly changing world while at all times upholding the human rights of the individual and other demands of constitutional governance. Particularly, the judiciaries are bound by the Bangalore Principles (1988) for the domestic application of international Human Rights norms and also by the Johannesburg Principles on the Role of Law in Sustainable Development (2002) to strengthen the capacity of the judges and oth-

The Judiciary for its part must interpret the laws in constructively creative ways to accommodate the novel situations brought about by our constantly changing world while at all times upholding the human rights of the individual and other demands of constitutional governance.



THE CJEI REPORT



ers in the judicial system who play a critical role in implementation, development and enforcement of environmental law. These principles are applicable to all branches of the law.

As for the Executive, the development of policy leading to the adoption of various laws to entrench good governance and constitutionalism and to the specific enforcement of such laws is critical. The Executive should within the system of checks and balances, obey and give effect to the decisions of the court in its interpretative role, and in no way hinder their specific enforcement.

The Commonwealth institutions and other similar bodies in the world must enhance their oversight role in enforcing accountability of the various institutions of our societies by maintaining peer review systems amongst the member countries to ensure that the principles developed by these conferences are promoted and observed in the countries. For the maintenance of these standards of governance and development, the institutions should endeavour to hold more frequent and closer contact through conferences and other fora for the deliberations on the various innovations.

The Commonwealth institutions should also put greater premium to improving training for its lawyers in more co-ordinated programmes in order to harmonize the application of the laws in the Commonwealth. There is need to open up greater cross-border legal practice – both through law practice by advocates and, where appropriate, through appointment of judicial officers from the rest of the Commonwealth - which will aid the development of uniform standards of legal principles and procedures in our different countries. We should also support the development of strong regional courts and tribunals with appellate and/or original jurisdiction over matters arising in national states in the region leading to binding international jurisprudence with relevance and application in all over the commonwealth for the corporate benefit of all our peoples.

Finally, I would urge you all, in this age of Internet connectivity, improved transport and communication modes, to pursue greater contact and sharing amongst us in order to be truly recognized as belonging to one Commonwealth. Let us be brethren in the common acceptance of the term and conferences such as this should give us a chance to make and renew acquaintances and develop lasting relationships between colleagues from the jurisdictions represented here for the benefit of development of law in the Commonwealth.



President Mwai Kibaki is introduced to the President of Commonwealth Lawyers Association, Mr. Graeme Mew by Attorney General Amos Wako on arrival at KICC where he officially opened the 15th Commonwealth Law Conference.
Photograph from: www.kbc.ke/story.asp?ID=33885

*“Our most popular intervention has been the **Open Day** session with the public which we held on 16th and 17th February this year (2007). Through this interactive forum, the litigants and members of the public had opportunity to meet the judicial officers and to voice their concerns regarding the efficiency and integrity of the court. The litigants were also able to follow up on the progress of their particular cases and to obtain answers to their questions regarding procedures of the court. They also received free legal advice by officers of the Law Society and other legal aid organizations that had secured booths at the Open Day facility. We intend to build upon the successes of the Open Day to spread its benefit by decentralizing the activities down to all the court stations around the country which will at their own convenience hold Open Days for the members of the public in their respective jurisdictions ”*

- Hon. Chief Justice of Kenya J.E. Gicheru, E.G.H.’s speech on the Launch of JPIP at Mombasa, 7th Dec. 2007



Lord Chief Justice Phillips of England and Wales speaks out on Judicial Independence at the 15th Commonwealth Law Conference in Nairobi.

The Appointment of Judges

This is the obvious place to start consideration of judicial independence. The Latimer House Guidelines require an *'appropriate independent process for judicial appointments'* that will *'guarantee the quality and independence of mind of those appointed... Appointments at all levels should be made on merit, with appropriate provisions for the progressive removal of gender imbalance and other historic factors of discrimination.'* We are not told what those appropriate provisions are, which is a pity because this goal is not easily achieved.

Before the UK's constitutional changes it could certainly not be said that we had an appropriate independent process for judicial appointments. Our process was neither appropriate nor independent. Appointments were made on the recommendation of the Lord Chancellor, who was a Government Minister. The process, at least as far as appointments of the senior judiciary were concerned, was not transparent. The Lord Chancellor's Department made its own enquiries as to the most eligible candidates. Often these had not even applied to go on the Bench, in which case the Lord Chancellor did his best to persuade them to do so.

This unconventional method of appointment in fact worked rather well. Candidates were selected on merit, there was no question of any political considerations being involved, and the Lord Chancellor usually acted on the advice of the senior judiciary, who were in a position to identify able practitioners. Selection was, however, from a rather narrow pool and this did nothing for the diversity of the judiciary.

I believe that, if we are to have a judiciary that has the confidence of the citizens, it is essential that this judiciary fairly represents all sections of society that are in a position to provide candidates of the requisite ability. Our system of selection must encourage such candidates to come forward. It is also essential that it should, in practice, be as easy for a woman both to become and to serve as a judge as it is for a man.

Under the Constitutional Reform Act we now have an independent Judicial Appointments Commission. The judiciary is well represented on the Commission, but does not provide a majority or the Chair. All appointments are made by open competition. The Commission recommends candidates to the Lord Chancellor, who has a very limited power of veto. The Commission has a specific statutory duty to "encourage diversity in the range of persons available for selection for appointments". I consider this to be a significant aspect of the legislation.

We cannot, however, leave encouragement of diversity to the Appointments Commission. The Commission can properly expect help from all involved in the justice system in performing this duty.

The Commission, independently appointed, is of very high calibre, but the process of selection from vacancy notice to appointment has proved over-bureaucratic and far too slow. We are confident that we shall be able to put that right. My understanding is that, so far as judicial appointments are concerned, we are catching up with the rest of the Commonwealth in that most members have transparent appointment systems that are protected from political influence, although there are one or two notable exceptions.

Although in general I can see no role for the executive in selecting judges, there is a place for a limited power of veto in relation to the more senior appointments. The senior judiciary today must, to some extent, work in partnership with government. It would, I think, be unfortunate if a Chief Justice were appointed in whose integrity and abilities the Government had no confidence.

There is a growing tendency to challenge the mandate of the judge. Some say that our decisions are not legitimate, because we have not been elected. They point to the United States where some judges are elected and where, at the highest level in the Federal system, candidates are subjected to confirmation hearings. No sooner had it been created than our new Ministry of Justice published a Green Paper on *The Governance of Britain*. This made the following comment about judicial appointments:

‘The Government is willing to look at the future of its role in judicial appointments: to consider going further than the present arrangement, including conceivably a role for Parliament itself, after consultation with the judiciary, Parliament and the public if it is felt that there is a need’.

I am only aware of one Commonwealth country where Parliament is involved in judicial appointments, and that is Mozambique. I, for one, can see no need for such an innovation in the United Kingdom.

The above is an extract from the keynote speech given by Lord Phillips of England and Wales at the Commonwealth Law Conference, held in Nairobi in September, 2007. The full speech is available at www.judiciary.gov.uk



PROPOSED CONSTITUTIONAL AND LEGAL REFORMS IN THE KENYAN JUDICIARY

In a 2007 meeting with the Kenya Law Reform Commission, Kenya National Commission on Human Rights, The Kenyan Section of the International Commission of Jurists, Law Society of Kenya, and the Kenya Magistrates and Judges Association the following reforms which focus on judicial independence were proposed:

- **Chapter 13 of Bomas Draft Constitution on Judicial and Legal System:** It is proposed to replace Chapter IV of the constitution of Kenya in its entirety with Chapter 13 of the Boma Draft Constitution, which contains progressive provisions that increase judicial independence.
- **Financial and budgetary autonomy for the Judiciary:** it is proposed that financial security of the judiciary be Constitutionally protected, and the judiciary's administrative costs be de-linked from under the authority of the executive.
- **Statute reforms aimed at increasing the number of judges of the High Court and the Court of Appeal**

Reform Proposals submitted by Evans Monari, Advocate & Council Member

WHAT IS AILING THE LEGAL PROFESSION

Evans Monari, Advocate & Council Member, LSK — Kenya

Recent events in Kenya witnessed after the elections of December 2007 have left deep scars that may take an entire generation to heal. However, history has shown that in order to achieve lasting peace, societies must deal with past abuses through a process of truth telling, reconciliation and justice. Different societies need to create different formulae to overcome the trauma caused by violence, bring about reconciliation with the past and a sense of accountability for crimes and injustices committed.

Several recommendations have been made with regard to the most suitable institutions that should be established to determine responsibility for the violence that was witnessed and to address the root causes of the violence which lie in the larger history of the country. In addressing these institutions, their func-

tions and their respective roles, it is of importance to highlight key issues in the promotion of justice and rule of law and to tailor efforts to ensure that the institutions that are put in place are aimed at maintaining a lasting peace.

The tripod of scholarship made up of liberty, truth and fearlessness - with the absence of any as a disqualification for the rest. One can hardly think of any other professional class that is meant to play a more strategic or concrete role to save a hemorrhaging nation, than the legal profession.

Within the legal profession, there is a sense of sacrifice and social responsibility towards the propagation and defense of higher democratic principles that constitute the fundamentals of civilized governance and the essence of human dignity.

Although such a sacrifice or

responsibility is not without a cost, the abiding reality of the country's nascent democratic experiment is that it is still fraught with tremendous challenges, and lawyers - both at the bar and the bench - can ill-afford, even for a fleeting moment, to sit on the fence or remain impervious to the overriding task of democratic consolidation. Legal practitioners have a responsibility to illuminate the dark vestiges of the country's authoritarian, anti-democratic past with the shining armor of justice such that hope and public expectation shall upwardly rise.

The reality is that we, as legal practitioners - advocates, judges or otherwise - have tended to hide in cocoons, refuting responsibility in a way that results in us failing our country and our people...

The establishment of an operative court system and an organized legal profession are important landmarks in humanity's quest for justice. At the very least, the court system entails that aggrieved citizens can freely approach the courts, in the firm hope of obtaining appropriate redress and substantive justice.

At the bench level, the compelling need for the rule of law raises the issue of an independent judiciary. The greater necessity is that the courts *remain* independent, that is to say, that they are not tied to the apron strings of the executive or other concentrations of power. In the removal of extrinsic and unnecessary pressures, such as legislative, political, "big business," or worse, recalcitrant mob pressure, the independence of the judiciary is assured. In essence, rational thought must be utilized when human dignity and independence are at stake

The quality of political leadership is an all important factor in the content of the decisions made and their impact on the Rule of Law. When occasion arises to question not only state expenditure on private legal services and its commensurate effect on qualitative representation, then the choice of leadership must be questioned or in the least censored.

In appreciating leadership, one must not examine political preeminence, but the quality of the individual leaders, based on proper grounding in the principles and process of people-resource management. These then can translate into knowledge and experience, transforming a process into political craft. In each case, the motley squares up only on

account of amassing fortune or being disposed to a particular season of power to accumulate wealth which is amazing and lickerish in the least.

What are we to expect of patriotism and personal contribution to the rule of law? Such net worth citizens who, on accident of location or happenstance of friendship, get associated with those who have had to actually work, write professional and academic examinations and lead discerning, skeptical and cynical peers - cannot just wake up in the morning to announce themselves as leaders. Of course, we know that the roadside auto mechanic can fix the car and the carpenter can fix the leaking roof - but neither are engineers. They are *artisans*. They can cut and join the wire and the plank, but they cannot comprehend the vast, complex and process design engine or super structure. They are repairmen. They operate on the surface without digging deeper as to command the complex job of the whole. They are *Teflon* - the material on the surface - and in reality, they ought to know their limitations.

The tragedy of the scenario of *artisan* or *Teflon* leadership in the body politic is that the process of legal governance is reduced to physical battle for survival. Consequently, every issue is a matter to be taken to the wrestling arena in the frame of survival of the fittest.

There is a basis to believe that the legal and political class constantly has to reassure the public, especially the underprivileged majority that the courts exist to serve the ends of justice, contrary to perceived disposition of special, well-to-do interests.

At the bar level, there is a fundamental failure to comprehend the real matters shaping the proper, public expectation of the established legal framework.

The process of confidence-building in the justice system ought to start with democratizing access to justice and all its ramifications while remaining cognizant of democratic rights and fundamental freedoms already preserved under the constitution, the large corpus of international treaties and declarations on human rights and humanitarian law.

Access to justice is not, and cannot be synonymous with access to the courts although it is certainly an important criterion. Still, the "acid test" of proper access to justice lies squarely in the province of reforming rigid and cumbersome court rules and

"In essence, without equality of access to our courts for the ventilation of grievances, real and imaginary, so-called equality before the law is nothing but a myth."

procedures that overwhelm the poor and not-so-well-to-do.

As many litigants can readily attest to, court rules and procedures constitute the greatest obstacle to the effective administration of justice through the court system. This is immediately evident in frivolous and contradictory orders and rulings issuing from the courts, but more importantly, in the long delays and winding adjournments, suffered in both civil and criminal cases.

And steadfast adherence to the law is at

times lost. Is it still the weight of justice or is it the weight of public opinion? Is it still subject to precedent - whatever citations, law, reports, and legal authorities - or has it now become subject to newspaper editorials, informed columns, opinion articles and freelance judgments of writers? And how much of these will go down well with the poor and downtrodden? How do they fit in?

If tangible progress is to be made in this direction, we must be led by conventional wisdom pointing in the direction of the rule of law. More importantly, the bulk of the initiative ought to come from the Bar and all its members. Since we are attempting to build a well organized society, we have to accept the validity of horizontal participation in the national justice system.

The democratization of access to justice opens the way to releasing the potentials of the law as a veritable weapon in the fight against the poverty pandemic. For it is unfortunately the case that as long as there is such a wide disparity in the distribution of wealth, none of the poverty-stricken citizens can lay claim to full liberty. None can be in a position to enjoy the usual fundamental rights - the rights and freedoms usually associated with democracy and justice. Those cardinal ends of democracy are bound to remain a baleful abstraction until they can be rendered substantive and concrete in terms of the living conditions of the populace.

In essence, without equality of access to our courts for the ventilation of grievances, real and imaginary, so-called equality before the law is nothing but a myth.

Judicial reforms should also include minimum guarantees for fair trials. The international community has long agreed that it is paramount to ensure that those who bear responsibility for serious violations of human rights should be prosecuted in accordance with established standards of fair process. Justice implies regard for the rights of the accused for the interests of victims and society. Experience has shown that maintenance of peace in the long-term cannot be achieved unless the population is confident that redress for grievances can be obtained through legitimate structures for peaceful settlement of disputes and fair administration of justice.

PATRON CHIEF JUSTICE'S MEETING

The "Patron Chief Justice's Meeting", was held on Sunday September 9th, 2007 following the 15th Commonwealth Law Association Conference, in Nairobi, Kenya. In attendance at the Meeting were over 20 Chief Justice's and distinguished legal personalities from around the Commonwealth.

- The Meeting, which was chaired by The Honourable Chief Justice Johnson
- Evans Gicheru of Kenya, useful and informative. It fostered open discussions on the topic of Judicial Independence between nations, and allowed for the exchange of ideas and experience among participants.

During the Patron Chief Justices' Meetings attendees made proposals for the future direction of the CJEI, while reviewing the work it has done over the past two years. The outcome was the creation of a streamlined workplan for the next two years.

Over the past decade the Kenyan Judicial Service has undertaken a variety of reform initiatives focused on ameliorating the efficiency of the Justice System. These reforms have included the establishment of specialized working committees, the construction and/or refurbishment of court houses and the establishment of a specialized Planning Unit mandated to manage budgetary preparations and oversee monitoring and evaluation. Even more recently, the Kenyan Judicial System teamed up with the World Bank to launch what may be the most intensive judicial reform projects in Kenya to date, **The Judicial Performance Improvement Project.**



**Honourable Mr. Justice J.E. Gicheru, E.G.H.,
Chief Justice of the Republic of Kenya's
Comments on the Judicial Performance
Improvement Project**



Just as Rome was not built in a day, so will the efficient and effective judiciary that we seek take some time to establish. As you recall from History, it took Romulus and Remus a long time to establish the city of Rome in 753 B.C. and after the death of Remus, the joint effort of Romulus and the Sabines was necessary to build an elaborate government and administration for the City. Today, we must identify the building blocks of the judiciary we want and we too shall, brick by brick, build a modern judiciary which we desire and which will be a revered bastion of justice for all who seek it.

The Judicial Performance Improvement Project is a joint project of the Kenya Judiciary and the World Bank which is targeted towards aspects of administration of justice that are fundamental to the judicial system so as to provide the basis for continuing reforms into the future. We accept that a fine justice system will not be created in a day, and that our joint and best efforts are called for to give the project the necessary momentum. However, since we have demarcated our re-

spective roles so that the judiciary will lead the reform process with the financial and technical support of the World Bank, the fatal fall-out between the brothers in the Legend on the Building of the City of Rome will not be re-enacted! Romulus killed his brother Remus after a disagreement on the positioning of the City of Rome. For us, however, our pursuit for the reforms shall be amiable, joint and relentless until the judiciary's vision to be an efficient provider of quality justice to all is achieved.

The project is comprised of five related components: judicial education, court administration and case management, access to justice, public communication and outreach, and project management. Through all these components runs a clearly visible set of strategic directions. These are the avenues that lead to the achievement of the broad objectives of the judiciary under the various reform initiatives.

As I perceive them, the strategic directions for the improvement of the judiciary are:

- Collective ownership and re-

sponsibility of the judicial system;

- Intra-mural refinement of the justice machine; and

- Public information and participation in judicial process.

Collective Responsibility

All the institutions of the justice system must be encouraged to act as complementary partners to each other with the diligent performance of one adding value and quality to the product of the others and indeed that of the entire system. A sense of ownership of and belonging to the judicial system can be cultivated by frequent interaction through joint conferences such as this workshop. Through the JPIP, the judiciary shall convene sector-wide conferences periodically to develop the necessary synergy. None of the institutions of the justice system can successfully operate alone and it is the duty of all of us to seek points of intersection at which to engage each other for the benefit of the whole. The co-operation shall be structured in such a way as not to jeopardize the Independence of the judiciary but rather that the critical mass created by the joinder of the justice institutions shall sup-

port the judiciary in asserting its independence.

Intra-mural improvement and refinement

We aim to improve upon our internal judicial methods to ensure integrity, efficiency and effectiveness of the judiciary. This will entail, firstly, the training of our staff in new and emerging branches of law and in new methods of judicial adjudication. The JPIP includes a specific component on judicial education including the establishment of a Judicial Institute for the Kenya Judiciary but with sufficient capacity to accommodate the training needs of the expanded East African Region and Southern Sudan. Secondly, the revision and development of procedures of court to achieve clarity and simplicity to make them user-friendly will be effected by the Rules Committee and the proposed Criminal Procedure Rule Committee. Thirdly, we shall seek to adopt state-of-the-art equipment and technology in the delivery of judicial services. Fourthly, we shall incorporate into our judicial system such compatible alternative methods of dispute resolution including arbitration, mediation and where appropriate small claim courts. Finally, periodical review of the terms and service of judiciary staff will ensure that they are adequately compensated for their efforts thus encouraging dedicated performance. Measures to strengthen the integrity of the judiciary officers will also be effected. Through our on-going reforms, we have made a head start in each of these initiatives and the JPIP should assist in speeding up the implementation.

Public Information and Participation

This is the outreach component of the Project. As the English Novel-

ist Arnold Bennet (1867-1931) observed, *"the price of justice is eternal publicity."* Similarly, Philosopher Jeremy Bentham (1748-1832) also asserted that indeed *"publicity is the very soul of justice."* Our public relations and communications department shall provide an avenue for the public to make effective use of the courts as well as to participate in the review and reform of the judicial process. This will make the judicial process an attractive method of settlement of disputes and encourage the people to resort to the Courts for adjudication of their disputes rather than pursuing illegal, extralegal or self-help methods. Public information will also enforce an accountability on the part of the judicial officers which is necessary for promoting integrity and efficiency in the Court. Public education through such activities as the Open Day, publications, school-to-court and court-to-school visits will be undertaken under this component.

A common denominator across these strategic directions is the continual and incremental nature of these reforms. We believe that there will always be a new and improved way of doing things and our task is to be eternally vigilant to discover and apply increasingly sophisticated methods of delivery of our services. The reforms will build upon each other in terms both of the aggregate quantities and qualitative diversity. For instance, we shall continue to build court houses to expand our accessibility network as we continuously respond to growing needs of population density and geographical proximity. At the same time, we shall improve upon the efficiency of these courts by adopting new methods of service delivery such improved Information Technology (IT) techniques and simpler rules of the Court,

which are constantly kept under review for effectiveness.

To consolidate the suggestions of the workshop (for the validation of the Project Concept Note (PCN) for the JPIP) and ensure their implementation and continual review, I propose to establish a sector-wide Justice Advisory Committee (JAC) comprising of representatives of the Judiciary, the various institutions of the justice system and other stakeholders, development partners and the public through respective religious and residents associations to work with the Project Implementation Committee of the Judiciary. We also intend to revamp our Public Relations section into a full-fledged department to provide a communications route for dissemination of information on the judiciary, obtaining feedback on proposed or on-going programs and thereby facilitate Public participation in judicial reform.

As I conclude, I must sincerely thank the World Bank for this pioneering partnership with the judiciary and for providing leadership amongst the donors who are interested in supporting our reform agenda. It is heartening to learn that these development partners have found an entry point through the Judicial Performance Improvement Project to assist in the achievement of better judicial service delivery. I am grateful to them for this collaboration.



Commonwealth Judicial Education Institute
GATEWAY



CJIE National Judicial Education Body Websites Project is successfully completed

The objective of the National Judicial Education Body Websites Project [project] was to initiate an electronic linkage network of judicial education materials in the Commonwealth, Ethiopia, Nepal and the Philippines. The purpose of this initiative, supported by a meeting of Commonwealth Chief Justices held at the Commonwealth Law Conference in London, England in 2005, was to enable the exchange of judicial education resources, information and experiences through an electronic network.

The project was the second phase of our long range plan to build a comprehensive English language judicial education resource exchange website which will include all Commonwealth countries, non-Commonwealth Commonwealth Judicial Education Institute [CJIE] members (i.e. Ethiopia, Eritrea, Nepal and the Philippines) and the Federal Judicial Center in Washington, DC. The first stage, which was funded by the World Bank, was to link existing Commonwealth judicial education bodies to our CJIE website and to create a prototype webpage for those countries which did not have one for posting judicial education material. This was accomplished.

This project was the second stage, which worked with over twenty developing countries to join the electronic linkage network. Most of these countries did not have a judicial education website nor had they identified, collected or catalogued their existing judicial education material. Fourteen websites were created for Belize, Ethiopia, Lesotho, Malawi, Mauritius, Namibia, Nigeria, Papua New Guinea, Sierra Leone, Sri Lanka, Swaziland, Tanzania, Uganda and Zambia. Seven websites were enhanced to allow the posting of learning materials for Bangladesh, Ghana, Nepal, OECS, Pakistan, Philippines and South Africa.

The methodology used was:

- creating a website or enhancing of an existing website;
- finding a national host server or hosting temporarily on the CJIE website until a national server can be found;
- identifying and collecting existing judicial education materials;
- cataloging the materials using the CJIE analytical tool – Impartiality, Competency, Efficiency and Effectiveness [ICEE];
- uploading material to website; and
- advertising the existence of the website and promoting its use.

Next Steps:

- To complete the uploading of teaching materials on the rest of the Commonwealth websites;
- To install a search engine for more efficient searching of specific topic material;
- To lend technical and material support and encouragement to participant countries;
- To encourage, monitor and improve participation by national judiciaries particularly in the developing world; and
- To create a website feedback mechanism, i.e. chat room for visitors to the website.



THANK YOU



The CJIE acknowledges the support, time and efforts from each of the participant countries, the Chief Justices, judges-in-charge of the Project, the staff involved in the Project. The support received from the Canadian International Development Agency, their timely inputs and prompt accommodation of our requests has been much appreciated.

News From The Commonwealth



BELIZE

New Supreme Court Opening: The Supreme Court of Belize, headed by His Lordship Chief Justice Dr. Abdulai Conteh, commenced the 2008 legal year with the Ceremonial Opening of the Supreme Court on January 14th, 2008. The Supreme Court had taken the decision to discontinue the use of the traditional judge's wigs and ceremonial robes. Their Lordships wore new ceremonial robes for the first time which are reflective of Belize's national colors: blue with red trim with an embroidered Coat of Arms.

*Submitted by Mr. Aldo Salazar
Registrar, Belize Supreme Court*



NIGERIA

Getting Judicial Education Across States' Judiciaries in Nigeria: Exactly 14 months after the CJEI outreach Training Of Trainers (TOT) in Nigeria at the Zaria Hotel (2nd – 7th of April, 2006) Kano State Judiciary in collaboration with Security Justice and Growth (SJG) started implementing roll out training for judiciary support staff on civil process and procedures. As a result of this initiative a total of 450 court support staff have been trained.

Two months after Kano State Judiciary started its own judicial training, the Jigawa State Judiciary joined in the roll out training course for its own court staff, so far one hundred registrars and clerks and one hundred bailiffs and messengers have undergone training.

The SJG office in Enugu State invited His Worship, Ahmad Muhammad Abubakar (Deputy Chief Registrar, High Court of Justice, Jigawa

State) to conduct the training of trainers of Enugu State Judiciary.

Kano State Judicial Service Commission in collaboration with Justice Sector Reform Team is expected to take over and continue the training from SJG Kano. In the same vein, the Justice Sector Reform Commission in Jigawa State will be taking over the training. The rationale of the taking over is to empower local trainers so as to sustain the program, thus reducing the burden of the training on international development partners.

*Submitted by Nasiru Wada Khalil
Senior Registrar Sharia Court of Appeal*



GHANA

Development in the Judicial Training Institute: The year 2007 has seen the relocation of the Judicial Training Institute (JTI), from a space with minimum facilities to a more accommodating location. Additionally, the JTI conducted two programs focused on Juvenile Justice Administration in 2007.

Expansion of Court Connected ADR Program: The Judicial Service as part of its efforts to reduce the case load in the courts and further justice accessibility introduced the Court-Connected Alternative Dispute Resolution (CCADR) concept, in 2003, This past year saw the development and publishing of a Practice Manual on the CCADR by the Judicial Training Institute with funding from the United Nations Development Program (UNDP).

International Collaborations for reform: The Judicial Service of Ghana had been collaborating with National Judicial Institute of Canada (NJI) and CUSO, to develop an approach to judicial education manage-

ment and design that will address relevant skills and knowledge required by the Ghanaian judiciary for the effective performance of their role.

*Submitted by Mr. Emmanuel
Lodoh, JTI Registrar*



LESOTHO

Backlog and Delay-Reduction Strategies: A serious challenge over the years has been the systemic problem of delays in both the Civil and Criminal Justice System. The first endeavor that was made to address this problem was the issuance of the Practice Directive No.1 of 2005 which set guidelines on what postponements are to be entertained. Practice Directive No.1 of 2005 went a long way in reducing the number of unnecessary delays but there still remained the problem of delays in the delivery of judgments. To alleviate this problem a Cadre of Judges' Clerks was established to assist judges with their research so as to speed up delivery of judgments.

Gender equity: We are elated to officially declare that the Lesotho Judiciary has made great strides in the gender equity terrain. The High Court bench has increased to eleven (11) and of the eleven(11) judges five(5) are women. Out of a total of forty-two(42) magistrates sixteen(16) are women and the number keeps on increasing with every passing year

On-Line technology in Judicial Education: Progress has been achieved in this regard by the Lesotho Judiciary through the electronic reporting of High Court judgments that are currently available at the saflii website www.saflii.org.

Alternative Dispute Resolution—The Case for Restorative Justice:

Restorative Justice has been piloted in all the three Magisterial Regions as it has been piloted in Berea and Mokhotlong in the Northern Region, Mafeteng in the Southern Region and in Maseru in the Central Region. The introduction of restorative justice necessitated training of front-line staff in the judicial service. Which commenced in 2005 and was evaluated in 2007 when a need was identified for the training of police in the Child Gender and Protection Unit.

In December 2007 an Orientation Course was held for the Elders who are yet to be trained. The Elders have been elected by their communities as people with high integrity and they have been identified as the ideal people to mediate in cases involving public figures.

*Submitted by Gugu-Sello Mokgoro,
Judicial Training Office*



INDIA

Supreme Court Judge's Retreat (Dec. 2007): The National Judicial Academy of India (NJA) organized a Winter Retreat of the Judges of the Supreme Court India at the National Judicial Academy's picturesque campus in Bhopal from December 16-19, 2007.

The purpose of the retreat was to provide Judges the opportunity to discuss mutually, with policy makers and analysts, key challenges facing the country in relation to the topic of "Strengthening the Administration of Justice in India in the Emerging Global Scenario." The Retreat dealt with three broad themes: *First*, challenges facing India in the emerging global and national scenario and its implications for the administration of justice; *Second*, recent developments in foreign and international law; and *Third*, in light of the above, the challenges facing the administration of justice in India.

Presentations on challenges facing the country offered the Judges a wide variety of diverse points of view. Presentations were made by foremost thinkers of the country in the fields of economics, public policy, sociology, history and science. Highlights of the retreat included a presentation made by, Dr. A.P.J. Abdul Kalam, former President of India, on "Envisioning the Future", the discussion on US public law by Justice Stephen G. Breyer, Judge of the Supreme Court of USA, a video-conference held with Prof. Paul Craig, Professor of Law, University of Oxford, and a presentation by M. Sornarajah, a leading third world voice in international law.

*Submitted by V.K. Jain,
Registrar General, SC*



SRI LANKA

Upcoming Training Sessions:

The SLJI is planning to conduct lectures on recent legislation, including the following Acts of Parliament.
(1) Domestic Violence Act No. 34.
(2) Tobacco & Alcohol Act No.27
A Seminar to educate Court Judges on the rehabilitation of drug offenders is planned for the near future.

*Submitted by Justice Nissanka
Udalagama*

CJEI FELLOWS NEWS AND NOTES



BERMUDA

Judicial Training Institute established, and host of the CMJA Conference: The Judicial Training Institute of Bermuda was established, with CJEI fellow The Honourable Mrs. Justice Wade-Miller appointed as chairman on February 1, 2008, by Richard W. Ground OBE, Chief Justice of Bermuda.

In August, 2007 Bermuda hosted

the Commonwealth Magistrates' and Judges' Association Conference—Equality in the Courts: Exploring the Commonwealth Experience. The conference was attended by over 200 delegates representing 33 different countries.

*Submitted by the Honourable Mrs.
Justice Wade-Miller, CJEI Fellow 2005*



UGANDA

Host of the Commonwealth Heads of Government Meeting:

The government of Uganda hosted the Commonwealth Heads of Government Meeting from the 17—24 of November, 2007. The Summit brought together leaders from a quarter of the world's nations, representing one-third of the world's population.

The Commonwealth People's Forum and the Commonwealth Human Rights Forum were also held in conjunction with the CHOGM.

Through these forums recommendations were made in order to ensure compliance with existing human rights standards by establishing Police Expert Groups to develop policing best practice standards and guidelines to improve the quality of policing and ensure effective democracy throughout the Commonwealth.

*Submitted by the Hon. Mr. Justice John
J.W. Tsekooko CJEI Fellow 1997*

Specialized Courts: two new divisions of the High Court are in the offing:

(I) The Anti-Corruption Court: intended to handle cases of corruption; embezzlement, causing financial loss, abuse of office, money laundering, bank forgeries and theft.

(II) The War Crimes Court is expected to handle cases of serious war crimes and human rights violations committed in Northern Uganda insurgency since 1987.

*Submitted by Her Worship Flavia
Senoga Anglin CJEI Fellow 2006*


PHILIPPINES

Philippines Judicial Academy: In September 2007, the Supreme Court promulgated the Rule on the Writ of Amparo [which supplements the Philippine Habeas Corpus by barring the military plea of denial] in the light of incidences of extralegal killings and enforced disappearances. Chief Justice Reynato S. Puno sited the Writ as the “greatest legal weapon” in protecting the people’s constitutional rights. To educate the Judiciary on the new rule the Philippines Judicial Academy conducted a Lecture Forum on the Writ, in addition to conducting a video-conference.

ADR Implementation: In September, 2007, the Supreme Court launched the Mobile Court-Annexed Mediation Program in Taytay, Rizal, with the first mobile bus deployed to the area complete with mediators and staff. Meanwhile, the Philippine Mediation Center (PMC) has established 122 PMC units strategically located nationwide.

Linkages: At the Third International Conference on the Training of the Judiciary held on 21-25 October 2007 in Barcelona, Spain, PHILJA Chancellor Ameurfin A. Melencio Herrera presided over a special workshop on “How to Establish a Judicial Training Institute.” 240 participants from 58 countries attended the Conference.

Green Benches: On 20 November 2007, the Supreme Court issued a Resolution approving the designation of 117 first and second level trial courts nationwide as special courts to handle all types of environmental cases. Capacity building programs for judges on handling environmental cases, which will be multi-sectoral in nature, have been planned and will soon be conducted by the Philippine Judicial Academy.

New Rules Issued by Supreme Court: The Court promulgated the Rule on Children Charged under the Comprehensive Dangerous Drugs Act of 2002, which took effect on 5 November 2007 and the Rule on DNA Evidence, which took effect on 15 October 2007,

Submitted by Atty. Mr. David L. Ballesteros CJEI Fellow 2007

COURT REPORTER

Two Interesting Cases were recently rendered by the Constitutional Court of Uganda

Court nullifies law-restricting freedom of assembly: *Constitutional Petition No. 5/2005—Mwangakivumbi v. A.G.*: A law making it mandatory for people to seek written permission of the Inspector General of Police before holding an assembly or forming a procession in a public place (s.32 of the Police Act) was found to contravene Articles 20 (1)(2) and 29(1)(d) of the Constitution and hence void for unconstitutionality.

Court nullifies “East African Assembly Elections”: *Constitutional Petition/2006—Jacob Oulanyah v. A.G.*: In 2002, Parliament passed rules of procedure allowing members of parliament to participate in the East African Legislative Assembly Elections, the first since the revival of the assembly under a new East African Community. At the time, Parliament had no parties and members were there on individual merit. When parties returned with the present (8th) Parliament, new rules were passed limiting participation of independent candidates. The Court held that by amending the rules for East African Legislative Assembly members to participate in elections under their party ticket by excluding those who stood on independent ticket, Parliament was violating the individuals’ rights to freedom of association as guaranteed in the Constitution.

Submitted by Her Worship Flaiva Senoga Anglin, Registrar, High Court of Uganda, CJEI Fellow 2006

OBITUARIES



The Papua New Guinea Judiciary lost one of its most Senior Judges, the **Late Justice Moses Jalina, OBE**. His Honor passed away on the 18th of December, 2007 as he was returning from Supreme Court duties in Port Moresby .

His Honor was first appointed to the Bench of both the National and Supreme Court on 29th June 1990. After his first term of appointment expired on 29th June 2000, he was reappointed for a second term. He was serving the 7th year of his 10 year term when he passed away. His Honor is survived by his wife Kessie Jalina and five children.

The Zambian Judiciary lost its Deputy Chief Justice, the **Late Honourable Justice David Mbelele Lewanika**, on December 11, 2007. His Honour had a distinguished legal career having worked at the Ministry of Legal Affairs, as a partner at a private practice, and as a senior state advocate and part time lecturer, before being appointed to the Bench in 1982.

The Late Justice David Mbelele Lewanika is remembered as a judicial luminary, a sportsman, a seasoned and vibrant sports administrator, a social worker, a man of the people and an individual dedicated to giving back through charitable works. His Honour is survived by his mother and children.

SEND US YOUR NEWS

We are eager to share in the CJEI Report news of elevations, honours, or deaths and other news related to the judiciary such as new innovations to tackle arrears and delays, strategies to improve access to justice, landmark judgements etc. We would also be pleased to learn of any recent judicial education initiative in your country.



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THE CJEI REPORT

APPOINTMENTS

PHILIPPINES: The **Honourable Zenaida N. Elepano**, (CJEI Fellow, 1999) was appointed to the senior post of Court Administrator on 21 November 2007.

BELIZE: The judiciary has recently been strengthened by the confirmation of the appointments of two new judges, the **Honourable Justice Herbert Lord** and the **Honourable Justice Minnet Hafiz-Bertram**. Additionally, Belize continues to benefit from the services of the **Honourable Justice Sir John Muria** who was appointed as a judge of the Supreme Court in January 2007 under the auspices of the Commonwealth Fund for Technical Cooperation (CFTC). Mr. Justice Muria is contributing significantly to the reduction of the backlog of civil cases.

ANTIGUA: CJEI Fellow (2004) **Justice Hugh Rawlins** is the new Chief Justice following the retirement of **Chief Justice Sir Brian Alleyne**.

NEPAL: The judiciary welcomes the new Chief Justice of the Supreme Court of Nepal **Rt. Hon. Chief Justice Mr. Kedar Prasad Giri**, who was appointed on October 5th, 2007.



PAPUA NEW GUINEA: The Papua New Guinea Judicial and Legal Services Commission has, under s 170 (2) of the Constitution, which provides for appointment of Acting Judges to deal with increasing case backlog, appointed three Acting Judges of the National Court; **Mr. Pomat Paliau**, **Mr. Colin Makail** and **Mr. Nemo Yalo**.

FORTHCOMING EVENTS

June 8-28, 2008: The CJEI will be hosting an Intensive Study Programme for Judicial Educators in Halifax, Ottawa and Toronto, Canada. Check out the next edition of the CJEI Report for a detailed review of the Programme's events.

July 16th-18 2008: The Philippine Judicial Academy is holding a 3 day Seminar-Workshop for Judges, Prosecutors and Law Enforcers on Drugs Law, in Davao City. Check out the Philippine Judicial Academy website: <http://philja.supremecourt.gov.ph/> for information.

October 5-9, 2008: The Commonwealth Magistrates' and Judges' Association will be holding a convention on "Constitutional Independence for the Magistrate and Judge with reference to separation of power" in Cape Town, South Africa. For more information visit the website: www.paragon-conventions.com/cmja2008

October 16-19, 2008: The Commonwealth Law Association is holding a conference in Jamaica to mark their 25th anniversary. To learn more about this important milestone please visit the conference website at: <http://www.paragon-conventions.com/cla08/>

April 5-9, 2009: The Law Society of Hong Kong and the Commonwealth Law Association will be hosting the 16th Commonwealth Law Conference in Hong Kong, China. For more information visit the website: www.commonwealthlaw2009.org